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H – 978

International Court of Justice

H0978 – 0001

Com. B.
Winkler
25 June 1946
First take - page 1
1000 - 1130 hours
Hoeppner

H0978-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

25 June 1946

COMMISSIONER:

Mr. George R. Taylor

THE SD

(The Commission convened at 1000 Hours)

ROLF-HEINZ HOEPPNER, a witness, took the stand and testified as follows:

MR. TAYLOR: Will the witness be reminded that he is still under oath?

THE WITNESS: Yes, sir.

MR. TAYLOR: We may proceed.

CROSS EXAMINATION RESUMED

BY LT. COMDR. HARRIS:

Q. Yesterday we were discussing the cooperation between the Gestapo and the SD, and we had just considered the decree of 11 November 1938, which decree on its face you acknowledge, indicated that the SD was supposed to serve the Security Police.

A. I didn't admit that. I merely conceded that this directive contains such.

Q. That's right. I want to call your attention to document L-361 which is a directive issued by Heydrick on 27 September 1939 at the time of the formation of the RSHA. You know at that time the various offices of the head office of the Security Service and of the Security Police were re-assembled and functions of both were put into Amt 1 and 2 of the RSHA?

A. No, That was different. The Amts 1 and 2 merely had personnel and organizational duties and the actual factual matters were as before in the care of Amt 3, interior SD and Amt 4, Gestapo.

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Q. That's correct, but what I mean is that the personnel and administrative functions which had theretofore been segregated in these two head offices were redistributed into new offices created by the RSHA.

A. Within these Amts there were different sections competent for Stapo, Kripo, and SD.

Q. The subject on this directive of Heydrich - the amalgamation of the central offices of the Security Police and SD.

A. Yes.

Q. Now, this purpose of the setting up the RSHA was to create greater centralization of the main offices, Security Police and SD in view of the fact that war had just broke out?

A. I do not know why at that time the RSHA was established. The directive of the Reich Fuehrer to establish the RSHA has not changed anything in the functions or the fulfillment of these functions of the SD. The concept RSHA was merely an internal designation.

Q. I want to call your attention specifically to paragraph #3 of this directive of Heydrich, which reads as follows: "The Amter, Grupper, and Referate insofar as reciprocal participation is not prohibited by a special ruling, are required to collaborate in all cases in which, after a careful examination by the Amt in charge of the affair, another Amt might be interested in view of some aspect or other of its tasks." Do you find that?

A. Yes, sir.

Q. After this directive was issued collaboration between the Amter was carried out in accordance therewith, was it not?

A. As far as there were duties which required such collaboration. It is a directive which was constantly between all central offices. As for instance between the Minister of Interior and Minister of Finance.

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Q. What we are talking about is the Security Police and SD. All you have to do is respond to questions which relate to this field.

A. One cannot draw the conclusions of any connection there, because they are merely organizations which cooperated as central offices.

Q. We will get to a specific illustration now. The cooperation between the SD and Gestapo in the religious sphere of life - now do I understand you to testify that it was the SD who had V-men and that the Gestapo had agents, is that right?

A. I have testified that the SD had V-men, but that I know nothing about the intelligence matter of the Gestapo.

Q. In any event as far as you know the Gestapo did not run V-men?

A. I do not know.

Q. Now you said it was understood that this division of functions was ordered in July 1938?

A. That's right.

Q. I'll show you 1815 P.S. which is U.S.A. exhibit 510, and I'm going to read into the record the portion from the first page thereof - a letter of Mueller, dated 12 May 1941, to all Staatspolizei-leit-stellen, and for information to the SD-Leit-Abschnitten and the inspector of the Sipo/SD, concerning the study and treatment of Church politics. "The Chief of the RSHA has issued an order, which is to come into immediate operation, in which the Sipo and SD Study and Treatment of the Church Politics, which has hitherto been divided between the SD-Abschnitte and Stapostellen, shall now be taken over entirely by the Stapostellen. (see the plan for the division of work issued by the RSHA on 1.3.41.) In addition to combatting opposition the Stapostellen thus take over the entire 'Gegnernachrichtendienst' in this sphere." That would indicate at least in the religious sphere that the division of functions would not become effected until sometime in the Summer of 1941, between the SD and Gestapo.

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A. May I say a few things in regard to this.

Q. Yes, but answer the question whether you think the document so indicates.

A. Yes.

MR. TAYLOR: May the Commission suggest again to the witness, it will be required from now on that he answer the questions put to him, and that he restrain from making extra remarks and speeches ~~in regard~~ unless the counsel asks for it or unless the questions call for further explanations.

Q. Did you want to make an explanation?

A. The directive which I mentioned dated June 1938, separated the functions of the SD and Gestapo. At that time all the pertinent records which were with the SD had to be transferred to the Gestapo, excepting only records pertaining to the religious sphere, because here the living sphere, religious life seemed to require considerable continuing interest in it. But in all that ~~xx~~ separation thoroughly would be executed. This directive which has just been submitted to me eminating from Amt 4 has been issued. I myself never had any contact with religious questions.

Q. However, you have testified that it wasn't the policy of the SD to have persons placed in schools or churches as such, but rather that you had individuals from various spheres of life.

A. Yes.

Q. So I want to continue reading this letter as follows: "In order that the Stapostellen should be in a position to take over this work, the Chief of the Sipo/SD has ordered that the 'Church Specialists' hitherto employed in the SD-Abschnitten, should be temporarily tfansferred to the same posts at Stapostellen, and operate the Nachrichtendienst (Intelligence Service in the Church Political Sphere) there. On the orders of the Chief of the RSHA, and after teaching agreement with the heads of Amts III, II and I, those 'Church Specialists' specified in the attached lists willthus be transferred from the SD-Abschnitten to the

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Stapostellen, quoted. Further instructions for transference or removal will be issued by Amt. I. Those Stapostellen which are unable to obtain any SD-'Specialists' must immediately train those of their specialist who appear most suitable for Nachrichtendienst work." That indicates that the SD did have persons in the field who were church specialists, doesn't it?

A. Those were steadily employed people with the SD-Abschnitten, who were specialists in this field.

Q. The definition of function is indicated by the next paragraph in this letter in part which reads as follows: "The Chief of the RSHA has furthermore ~~xxxx~~ ordered that 'Nachrichtendienst' files concerning the Church Political Opposition, hitherto the property of the SD-Abschnitte should be handed over to the Stapostellen. However, material concerning Confessional influence on the lives of the people is to remain with the SD-Abschnitten. In doubtful cases the Stapostellen are to be given an opportunity of making copies or photostats of these reports." That indicates that prior to May 1941, at least the SD, was directly concerned with church political oppositions, and that thereafter it was required to cooperate closely with the Gestapo concerning its files relating to the confessional influence on the lives of the people.

A. Whereas, however, the SD work was entirely different from that of the Gestapo.

Q. On this question of cooperation between SD and Gestapo there appears in this file an excerpt from a conference held by the inspector in Dusseldorf on 23 September 1941, and I want to read this report to you after you have seen it and ask you whether it correctly sets forth the relationship between the SD and Gestapo in the church field. "Cooperation between the Gestapo and SD in the sphere of church politics. The study and treatment of the efforst of the Catholic Church in its opposition to the present State is, from both a communication and

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executive angle, the responsibility of the STAPO ('Gegnerbekampfung'). The treatment of the efforts of the Church, and their repercussions in the sphere of 'religious life' is, however, the task of the SD." Now I take it you have no conflict with that statement.

A. No.

Q. Let's go on and read the second paragraph and see what you think of this. "From this it can be seen that a close cooperation in the future within the sphere of the 'Catholic Church ' is especially necessary. It is the duty of the Stapostellen to inform the SD-Abschnitte of any general points to be observed during the course of 'Gegnerbekampfung', in order that the SD-Abschnitte can evaluate these facts from a religious angle. The SD-Abschnitte are to inform the Stapostellen of any observations which might be of assistance to them in their fight against the church as an opponent of the State. Gegnerbekampfung and research in the religious sphere must go hand in hand. The SD-Abschnitte must hand over the Stapostellen those V-Manner by virtue of their work in the religious sphere, may retain one ar another of them to continue work in this sphere. It is desirable, however, that the appropriate official attached to the Stapostelle should start taking over the direction of the V-Manner by stagesas soon as possible." Wasn't that substantially the relationship between the SD and Gestapo on the religious theory?

A. Not in any way at all. The inspector of Dusseldorf has completely mixed the ideas. Since the SD-Abschnittsfuehrer is here, it might be best to ask him.

Q. We'll pass on to the next document in this file which gives an indication of what the V-men actually did do. This is a letter of Heydrich, dated 22 October 1941, and it is to all Stapostellen and for information to the leaders of all SD leiters. This is what Heydrich says, "The following directions must be

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followed concerning Nachrichtendienst activitiy: 1) If at all possible to verify that Bishops are using the papal nunciate courier to deliver their report to Rome, and vice versa, we should be informed. 2) It should be found out which priests, members of Holy Orders, and Laymen are used by the Bishops to bring their reports to and from Rome. Wherever possible, attempts should be made to intercept this method of reporting through V-Manner. 3) If possible, the reports submitted to Rome every 5 years should be intercepted, especially when an opportunity arises in connection with Stapo action." That sounds as though V-Men were actually used to spy upon private religious correspondents, doesn't it, by order of the Chief of the Security Police and SD?

A. Yes, probably it is a matter of V-Men of the Stapo. I assume that this is a directive to the Stapo.

Q. We already stated that letter was for action to the Stapostellen. The point is if these V-Men were or have been SD personnel who were taken by the Gestapo about this time to carry on their functions of combatting church opposition.

A. I believe it would be entirely impossible.

Q. You said you thought that Dr. Best in writing his book did not have in mind the definition of functions between the SD and Gestapo which was decreed in July 1938 with the exception of the church which you told us about today?

A. When was I supposed to have said that.

Q. I believe you said it yesterday.

A. It was a misunderstanding. I have not said that Best did not have the separational functions in mind.

Q. Then I want to read to you a paragraph from Best's book on the SD. This is the 1941 edition, page #46. "As the intelligence service of the German National Socialist Labor Party, the Security Service has first of all the tasks of investigation and keeping a watch over all forces, events and facts which are

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of importance for the domination of the National Socialist idea and movement in the German territory." Now I take it that you have no conflict with that statement as far as it goes up to 1941?

A. That is probably an unchanged second edition. First edition was 1940.

Q. Well up to 1940 or 1941 whatever it is, at least you don't have any particular conflict with that statement, do you?

A. I have very small contradiction to make of certain expressions used in this book.

Q. In this paragraph?

A. In this paragraph.

Q. We are dealing with the first sentence now.

A. Yes, the first paragraph is open to misunderstanding since the expression/surveyance could lead to the conclusion that it was an executive duty.

Q. Let's go down to the second sentence. "With this task follows that duty laid down by the Reich Minister of the Interior - the duty of supporting the Security Police - which is fulfilled, so far as it goes, under State orders. In support of the task of the Security Police in securing the ranks of the German people against interference and destruction of any kind, the Security Service has to watch over every sphere of life of the German people with regard to the activities of inimical forces and the result of state and political measures, and to inform continually the competent State authorities and offices about the facts which have come to light. Finally, it has to investigate politically and explore fundamentally the activities and connections of the great ideological arch-enemy of National Socialism and the German people, in order thereby to render possible a purposeful and effective fight against it." Now, in writing that portion of the paragraph, don't you think that Best probably had in mind the work of the SD in the religious field, for example, up until 1941?

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A. I do not know what Best was thinking of. In my case the task here is described in a manner very much open to misunderstanding. Best here describes something as a fact which actually was something he desired.

Q. Right now I want to invite your attention to document R-142, U.S.A. 481. Now I think you said yesterday that as a matter of practice the SD refrained from giving the names of individuals in its reports.

A. Yes.

Q. I'll read this report of 7 May 1938, which is addressed to the Security Service (SD) Unterabschnitt Koblenz, from Security Service, Branch Koechem, and which relates to the work of the SD in spying upon secret ballots. The subject is "Plebiscite of 10 April 1938". This is what the letter says: "Copy of a schedule is attached herewith enumerating the persons who cast 'No' votes or invalid votes at Kappel, district of Simmern. The invalid votes are listed first, ending with (bland) ___, thereafter comes the No.-votes. The control was effected in the following way: some of the election committee marked all the ballot papers with numbers. During the ballot itself, a voters' list was made up. The ballot-papers were handed out in numerical order, therefore, it was possible afterwards with the aid of this list to find out the persons who cast No-votes or invalid votes. One sample of these marked ballot-papers is enclosed. The marking was done on the back of the ballot-papers with skimmed milk. The ballot cast by the Protestant parson, Alfred Wolferts, is also enclosed. The identification of two persons was impossible because there are several persons of the same name in the village, and it was impossible to ascertain the actual voter." That indicates that the SD in respect to secret ballotting was very much concerned in the name of the persons who voted against them.

A. This document only shows that the Branch office of Knechem was very much interested in it.

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Q. Are you acquainted with Hauptscharfuehrer, Rube?

A. The letter is no doubt genuine.

Q. And are you familiar with Streckenbach?

A. Yes.

Q. And do you know what office Streckenbach held in 1942?

A. I believe he was chief of Amt. 1, but I cannot recall exactly.

Q. Well, I think you have testified that the SD had nothing to do with sending people to concentration camps?

A. Yes.

Q. Did the SD have anything to do with the resettlement of persons of German blood?

A. Group 3-B would have to do with that. As far as intelligence was concerned -- of course -- what the experiences were.

Q. Now that was true with respect to all these big actions, such as the extermination of the Jews and the murder of escaped ~~prisoners~~ prisoners of war - matters of that kind came to the attention of the SD from the standpoint of the effect the action had upon the people.

A. If the reports on the morale which were received by us mentioned such things, they were reported.

Q. You knew, of course as every member of the SD knew, that after 1941, there was a program for the extermination of the Jewish people?

A. No.

Q. You were in Posen?

A. Yes, when I came to the Amter Posen, the entire Amter Posen held no more Jews.

Q. Where did they go?

A. To Ghetto.

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Q. Who sent them to Ghetto?

A. I don't know.

Q. You knew it was the Gestapo, didn't you?

A. I do not believe it - that must have come by order of a higher authority. I have never had anything to do with these crimes.

Q. What organization arrested all of the Communists, former Communists, and Socialists, democratic members in the Aktion Gitter?

A. The Gestapo.

Q. I want to call your attention to document, R-112, U.S.A. 309, which is a letter dated 1 July 1942, eminating from Department #3 in this case and addressed for action among others to the SD-Leitabschnitt in the incorporated Eastern areas and signed by Streckenbach. The important thing about this letter is, among others, that it was not addressed to inspectors in the Sipo and SD, but addressed directly to the SD-Leitabschnitts; alsl that it eminated from Amt. 3. Now I want to read part of this and see whether you wish to change your previous testimony in any way. "According to the Decree of the Reich Leader SS, Reich Commissioner for the Consolidation of German Nationhood, dated 16.2.42, Ref. Nr. II A 2 Nr. 420 VII/41-176 concerning 'Treatment of persons entered in Division 4 of the German Ethnical List' these persons are to be resettled in Old German territory. Evacuation and resettlement have to be effected by the Higher SS andPolice Fuehrer <u>on instructions to be issued later</u>." Then skipping some paragfaphs we come to the important part of the directive. "The State Police (Superior) Office will demand from the local branches of the German Ethnical List, the Security Service (Superior) Offices and the Criminal Police (Superior) Offices their dossiers dealing with members of Division 4. Decisive for the further treatment of members of Div. 4 will be the result of a racial test. As soon, therefore, as it will be possible to examine a larger number of members of Div. 4, the competent examiner

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of the Head Office for Race and Settlement has to be informed, and place and time for the racial test have to be fixed. The leaders of the State Police (Superior) Offices and the leaders of the Security Service (Superior) Offices (or their Deputies) will take personal part in the examinations, in order to inspect personally the persons to be tested. The result of the test is to be added to the dossier. The persons not passing the racial test (Hereditarily inferior persons, etc.) will be excluded from the German Ethnical List on application to the competent branch. Their certificate of having been entered into the list will be taken away by the State Police (Superior) Office. After having been excluded from the list, they are to be treated as non-German subjects. In case they have been found unsocial, they have to be imprisoned in a Concentration Camp. The racial tests having been completed, the leaders of the State Police (Superior) Offices and the leaders of the Security Service (Superior) Offices, resp. their permanent deputies (in the Security Service the III B officials will <u>together</u> examine the material available and will apply in case of necessity to the Reich Main Security for an Order for Custody and Concentration Camp Imprisonment. In cases presenting particular difficulties the dossiers are first to be submitted to the Reich Security Office, Dep. III - III B. The decision of the latter office then will be forwarded to the competent State Police (Superior) Office forfurther action" Are you familiar with that directive when you testify that to your knowledge that the SD did not have anything to do with people in the concentration camps?

A. I didn't recall this directive. This directive does not prove the contrary.

~~Q. The directive speaks for itself, and it~~

LT. COMDR. HARRIS: The directive speaks for itself. I have no further questions.

THE WITNESS: May I add that I believe that the directive has been misunderstood.

MR. TAYLOR: Does the prosecution have any further cross examination?

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COL. ORLOV: No.

MR. TAYLOR: Dr. Gawlik, do you have any special questions for the witness?

DR. GAWLIK: Yes.

MR. TAYLOR: May I ask counsel to make his re-direct examination very brief and bear in mind that we would like to eliminate any repetition of testimony of this witness in re-direct examination.

RE-DIRECT EXAMINATION

By Dr. Gawlik:

Q. I shall limit myself to question brought forth by the prosecution during the cross examination. You have stated during cross examination, witness, that you had to report mild developments. What do you understand by mild developments, and in the direction of committing a conspiracy, crimes against the peace, war crimes and crimes against humanity?

LT. COMDR. HARRIS: That question has been asked and answered many times by this witness and furthermmre it is never but a conclusion of the worse sort. It is the very question that the Tribunal has to decide, and I object to it on those grounds in the interest of speeding up the examination.

MR. TAYLOR: I'm of the opinion that prosecution's objection is good - ~~at least~~ sustained. Doctor, may the Commission suggest to you that the record is very complete as to the direct examination of this witness, and I'm quite sure that counsel will agree with me that the witness has already fully explained and answered the question you just propounded to him . If Counsel has any questions that are re-direct, the Commission ~~will~~ wants you to ask them and wants the witness to give that evidence. We have tolerated a very extensive examination of this witness, and a great portion of it appears to be a repetition and more or less irrelevant

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to the defense of the organization. So go ahead, counsel, if there are any questions that are new - proceed and ask them.

DR. GAWLIK: May I add another sentence. It is true that the cross examination discussed the problem of cross examination at length, but the witness has up to this point not defined mild development, and I have merely asked this one question.

MR. TAYLOR: Very well proceed.

Q. Regarding the document eminating from the subsidiary office in Koechem. In the year 1938, were the elections supervised in the interests of the Reich territory. Which territory are you competent to answer for?

A. I can only judge that regarding that Leitabschnitt where I was at the time.

Q. Answer this question.

A. Nothing has been observed in this Leitabschnitt. In my opinion that happens to be an ~~xxxxx~~extraordinary and peculiar situation in Koechem.

Q. Did the office immediately superior to yours issue any directive to supervise elections?

A. I do not know ~~xx~~ of any such directives.

Q. I have a further question pertaining to the records regarding church experts. How much material had been collected by the SD regarding the religious sphere from the time of the issuance of the directive to 1941? For the territory with which you are acquainted.

A. The largest part of this time I spent in ~~Xxxxxx~~ Posen. There were no records worked on in Posen. We have limited ourselves completely to the living sphere "religious life".

MR. TAYLOR: Counsel, just a minute. He is not answering your question - he is making a lot of conversation here. Let's read the question and have him answer it, please.

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Q. Please answer my question. The question is how much material on church questions was available.

question continued next page

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Q. The material which was submitted to you in the territory where you were present, was it suitable to initiate the measures against the Church by the Gestapo?

A. As far as I can remember at this time, no. Definitely not in Posen, because these things were not taken care of in Posen at all.

Q. The speech by Himmler which has been submitted to you during the cross-examination while the aims and tasks of the SD were in question:--Does Himmler speak actually of the aims, tasks, and activities of the SD? Those which were actually striven for by the members of the SD? Or, in other words, did the SD at any time deviate from the road wanted by Himmler?

A. It cannot be disputed that Himmler, and also Heydrich, wanted a unified state protection corps, as well as a certain cohesion between the SD and the Gestapo. But the decisive thing is what Amt Three has actually done and what its tendencies were. One must say that the actual development and the searching for our task has taken an entirely different road. While the work against our enemies finally withered away, work within the living spheres became the sole task. The arguments for things were so difficult that, I believe it was in the year 1941, the chief of Amt Three submitted his resignation because he was perfectly clear in his own mind that any intelligence task would be impossible if the SD would be thrown together with an executive office. That was shown in all those places where it was actually the case, that is to say, in the commitment areas. That is why a very sharp struggle took place against this tendency, and was finally crowned with success.

Q. Thus, do the speeches of Himmler and Heydrich actually characterize the goals, duties, tasks, and activities of the SD?

A. To a great extent, that was the wish-fulfillment which they desired. One must always keep in mind that one attempted a camouflage toward the Party

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in the task of living spheres because living spheres intelligence was not desired by the Party. I believe that the directive issued by the Reichsminister of the Interior dated November 11, 1938 was influenced very much by these matters.

MR. TAYLOR: Any more questions? If not, the witness may be excused. A recess will be taken before the next witness is brought in.

(recess)

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The foregoing is a true and correct transcript of the testimony of ROLF-HEINZ HOEPPNER taken on 25 June 1946.

Bernice Winkler
Reporter

D. J. Noll
Reporter

CERTIFIED TO:

Geo. Taylor
Commissioner

Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

25 June 1946.

COMMISSIONER:

Mr. George R. Taylor

WE-SD

(The Commission convened at 1000 hours.)

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THE WITNESS: Yes, sir.

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BY LT. COMDR. HARRIS:

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A I didn't admit that. I merely conceded that this directive contains such.

Q That's right. I want to call your attention to document L-361 which is a directive issued by Heydrich on 27 September 1939 at the time of the formation of the RSHA. You know at that time the various offices of the head office of the Security Service and of the Security Police were re-assembled and functions of both were put into Amt 1 and 2 of the RSHA?

A No, that was different. The Amts 1 and 2 merely had personnel and organizational duties and the actual factual matters were as before in the care of Amt 3, interior SD and Amt 4, Gestapo.

Q That's correct, but what I mean is that the personnel and administrative functions which had theretofore been segregated in these two head offices were redistributed into new offices created by theRSHA.

A Within these Amts there were different sections competent for Stapo, Kripo, and SD.

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Q The subject on this directive of Heydrich - the amalgamation of the central offices of the Security Police and SD.

A Yes.

Q Now, this purpose of the setting up the RSHA was to create greater centralization of the main offices, Security Police and SD in view of the fact that war had just broken out?

A I do not know why at that time the RSHA was established. The directive of the Reich Fuehrer to establish the RSHA has not changed anything in the functions or the fulfillment of these functions of the SD. The concept RSHA was merely an internal designation.

Q I want to call your attention specifically to paragraph #3 of this directive of Heydrich, which reads as follows: "The Amter, Grupper, and Referate insofar as reciprocal participation is not prohibited by a special ruling, are required to collaborate in all cases in which, after a careful examination by the Amt in charge of the affair, another Amt might be interested in view of some aspect or other of its tasks." Do you find that?

A Yes, sir.

Q After this directive was issued collaboration between the Amter was carried out in accordance therewith, was it not?

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A One cannot draw the conclusions of any connection there, because they are merely organizations which cooperated as central offices.

Q We will get to a specific illustration now. The cooperation between the SD and Gestapo in the religious sphere of life - now do I understand you to testify that it was the SD who had V-men and that the Gestapo had agents, is that right?

A I have testified that the SD had V-men, but that I know nothing about the intelligence matter of the Gestapo.

Q In any event as far as you know the Gestapo did not run V-men?

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A I do not know.

Q Now you said it was understood that this division of functions was ordered in July 1938?

A That's right.

Q I'll show you 1815 PS which is U.S.A. exhibit 510, and I'm going to read into the record the portion from the first page thereof - a letter of Mueller, dated 12 May 1941, to allStaatspolizei-lei-stellen, and for information to the SD-leit-Abschnitten and the inspector of the Sipo/SD, concerning the study and treatment of Church politics. "The Chief of the RSHA has issued an order, which is to come into immediate operation, in which the Sipo and SD Study and Treatment of the Church Politics, which has hitherto been divided between the SD-Abschnitte and Stapostellen, shall now be taken over entirely by the Stapostellen. (See the plan for the division of work issued by the RSHA on 1.3.41.) In addition to combatting opposition the Stapostellen thus take over the entire 'Gegnernachrichtendienst' in this sphere." That would indicate at least in the religious sphere that the division of functions would not become effected until sometime in the Summer of 1941, between the SD and Gestapo.

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Q Yes, but answer the question whether you think the document so indicates.

A Yes.

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been submitted to me emanating from Amt 4 has been issued. I myself never had any contact with religious questions.

Q However, you have testified that it wasn't thepolicy of the SD to have persons placed in schools or churches as such, but rather that you had individuals from various spheres life.

A Yes.

Q So I want to continue reading this letter as follows: "In order that the Stapostellen should be in a position to take over this work, the Chief of the Sipo/SD has ordered that the 'Church Specialists' hitherto employed in the SD-Abschnitten, should be temporarily transferred to the same posts at Stapostellen, and operate the Nachrichtendienst (Intelligence Service in the Church PoliticalSphere) there. On the orders of the Chief of the RSHA, and after reaching agreement with the heads of Amts III, II and I, those 'Church Specialists' specified in the attached lists will thus be transferred from the SD-Abschnitten to the Stapostellen, quoted. Further instructions for transference or removal will be issued by Amt I. Those Stapostellen which are unable to obtain any SD - 'Specialists' must immediately train those of their specialists who appear most suitable for Nachrichtendienst work." That indicates that the SD did have persons in the field who were church specialists, doesn't it?

A Those were steadily employed people with the SD-Abschnitten, who were specialists in this field.

Q The definition of function is indicated by the next paragraph in this letter in part which reads as follows: "The Chief of the RSHA has furthermore ordered that 'Nachrichtendienst' files concerning the Church Political Opposition, hitherto the property of the SD-Abschnitte should be handed over to the Stapostellen. However, material concerning Confessional influence on the lives of thepeople is to remain with the SD-Abschnitten. In doubtful cases the Stapostellen are to be given an opportunity ofmaking copies or photostats of these reports." That indicates that prior to May 1941, at least the SD, was directly concerned with church political oppositions, and that thereafter it was required to cooperate closely with the Gestapo concerning its files relating to the confessional influence on the lives of the people.

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A Whereas, however, the SD work was entirely different from that of the Gestapo.

Q On this question of cooperation between SD and Gestapo there appears in this file an excerpt from a conference held by the inspector in Dusseldorf on 23 September 1941, and I want to read this report to you after you have seen it and ask you whether it correctly sets forth the relationship between the SD and Gestapo in the church field. "Cooperation between the Gestapo and SD in the sphere of church politics. The study and treatment of the efforts of the Catholic Church in its opposition to the present State is, from both a communication and executive angle, the responsibility of the Stapo ('Gegnerbekampfung'). The treatment of the efforts of the Church, and their repercussions in the sphere of 'religious life' is, however, the task of the SD." Now I take it you have no conflict with that statement.

A No.

Q Let's go on and read the second paragraph and see what you think of this. "From this it can be seen that a close cooperation in the future within the sphere of the 'Catholic Church' is especially necessary. It is the duty of the Stapostellen to inform the SD-Abschnitte of any general points to be observed during the course of 'Gegnerbekampfung', in order that the SD-Abschnitte can evaluate these facts from a religious angle. The SD-Abschnitte are to inform the Stapostellen of any observations which might be of assistance to them in their fight against the church as an opponent of the State. Gegnerbekampfung and research in the religious sphere must go hand in hand. The SD-Abschnitte must hand over the Stapostellen those V-Manner by virtue of their work in the religious sphere, may retain one or another of them to continue work in this sphere. It is desirable, however, that the appropriate official attached to the Stapostelle should start taking over the direction of the V-Manner by stages as soon as possible." Wasn't that substantially the relationship between the SD and Gestapo on the religious theory?

A Not in any way at all. The inspector of Dusseldorf has completely

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mixed the ideas. Since the SD-Abschnittsfuehrer is here, it might be best to ask him.

Q We'll pass on to the next document in this file which gives an indication of what the V-men actually did do. This is a letter of Heydrich, dated 22 October 1941, and it is to all Stapostellen and for information to the leaders of all SD leiters. This is what Heydrich says, "The following directions must be

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followed concerning Nachrichtendienst activity : 1) If at all possible to verify that Bishops are using the papal nunciate courier to deliver their report to Rome, and vice versa, we should be informed. 2) It should be found out which priests, members of Holy Orders, and Laymen are used by the Bishops to bring their reports to and from Rome. Wherever possible, attempts should be made to intercept this method of reporting through V-Manner. 3) If possible, the reports submitted to Rome every 5 years should be intercepted, especially when an opportunity arises in connection with Stapo action." That sounds as though V-Man were actually used to spy upon private religious correspondents, doesn't it, by order of the Chief of the Security Police and SD ?

A Yes, probably it is a matter of V-Men of the Stapo. I assume that this is a directive to the Stapo.

Q We already stated that letter was for action to the Stapostellen. The point is if these V-Men were or have been SD personnel who were taken by the Gestapo about this time to carry on their functions of combatting church opposition.

A I believe it would be entirely impossible.

Q You said you thought that Dr. Best in writing his book did not have in mind the definition of functions between the SD and Gestapo which was decreed in July 1938 with the exception of the church which you told us about today ?

A When was I supposed to have said that.

Q I believe you said it yesterday.

A It was a misunderstanding. I have not said that Best did not have the separational functions in mind.

Q Then I want to read to you a paragraph from Best's book on the SD. This is the 1941 edition, page #46. "As the intelligence service of the German National Socialist Labor Party, the Security Service has first of all the tasks of investigation and keeping a watch over all forces, events and facts which are of importance for the domination of the National Socialist idea and movement in the German territory." Now I take it that you have no conflict with that statement as far as it goes up to 1941 ?

A That is probably an unchanged second edition. First edition was 1940.

Q Well up to 1940 or 1941 whatever it is, at least you don't have any particular conflict with that statement, do you ?

A I have very small contradiction to make of certain expressions used in

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this book.

Q In this paragraph ?

A In this paragraph.

Q We are dealing with the first sentence now.

A Yes, the first paragraph is open to misunderstanding since the expression surveyance could lead to the conclusion that it was an executive duty.

Q Let's go down to the second sentence. "With this task follows that duty laid down by the Reich Minister of the Interior - the duty of supporting the Security Police - which is fulfilled, so far as it goes, under State orders. In support of the task of the Security Police in securing the ranks of the German people against interference and destruction of any kind, the Security Service has to watch over every sphere of life of the German people with regard to the activities of inimical forces and the result of state and political measures, and to inform continually the competent State authorities and offices about the facts which have come to light. Finally, it has to investigate politically and explore fundamentally the activities and connections of the great ideological arch-enemy of National Socialism and the German people, in order thereby to render possible a purposeful and effective fight against it." Now, in writing that portion of the paragraph, don't you think that Best probably had in mind the work of the SD in the religious field, for example, up until 1941 ?

A I do not know what Best was thinking of. In my case the task here is described in a manner very much open to misunderstanding. Best here describes something as a fact which actually was something he desired.

Q Right now I want to invite your attention to document R-142, U.S.A.481. Now I think you said yesterday that as a matter of practice the SD refrained from giving the names of individuals in its reports.

A Yes.

Q I'll read this report of 7 May 1938, which is addressed to the Security Service (SD) Unterabschnitt Koblenz, from Security Service, Branch Koechem, and which relates to the work of the SD in spying upon secret ballots. The subject is "Plebiscite of 10 April 1938". This is what the letter says : "Copy of a schedule is attached herewith enumerating the persons who cast "No" votes or invalid votes at Kappel, district of Simmern. The invalid votes are

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listed first, ending with (bland), thereafter comes the No.-votes. The control was effected in the following way : some of the election committee marked all the ballot papers with numbers. During the ballot itself, a voters' list was made up. The ballot-papers were handed out in numerial order, therefore, it was possible afterwards with the aid of this list to find out the persons who cast No-votes or invalid votes. One sample of these marked ballot-papers is enclosed. The marking was done on the back of the ballot-papers with skimmed milk. The ballot cast by the Protestant parson, Alfred Wolferts, is also enclosed. The identification of two persons was impossible because there are several persons of the same name in the village, and it was impossible to ascertain the actual voter." That indicates that the SD in respect to secret ballotting was very much concerned in the name of the persons who voted against them.

A This document only shows that the Branch office of Koechem was very much interested in it.

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Q Are you acquainted with Hauptscharfuehrer, Rube?

A The letter is no doubt genuine.

Q And are you familiar with Streckenbach?

A Yes.

Q And do you know what office Streckenbach held in1942?

A I believe he was chief of Amt 1, but I cannot recall exactly.

Q Well, I think you have testified that the SD had nothing to do with sending people to concentration camps?

A Yes.

Q Did the SD have anything to do with the resettlement of persons of German blood?

A Group 3-B would have to do with that. As far as intelligence was concerned -- of course -- what the experiences were.

Q Now that was true with respect to all these big actions, such as the extermination of the Jews and the murder of escaped prisoners of war - matters of that kind came to the attention of the SD from the standpoint of the effect the action had upon the people.

A If the reports on the morale which were received by us mentioned such things, they were reported.

Q You knew, of course as every member of the SD knew, that after 1941, there was a program for the extermination of the Jewish people?

A No.

Q You were in Posen?

A Yes, when I came to the Amter Posen, the entire Amter Posen held no more Jews.

Q Where did they go?

A To Ghetto.

Q Who sent them to Ghetto?

A I don't know.

Q You knew it was the Gestapo, didn't you?

A I do not believe it - that must have come by order of a higher authority. I have never had anything to do with these crimes.

Q What organization arrested all of the Communists, former Communists, and Socialists, democratic members in the Aktion Gitter?

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A The Gestapo.

Q I want to call your attention to document R-112, U.S.A. 309, which is a letter dated 1 July 1942, emanating from Department #3 in this case and addressed for action among others to the SD-Leitabschnitt in the incorporated Eastern areas and signed by Streckenbach. The important thing about this letter is, among others, that it was not addressed to inspectors in the Sipo and SD, but addressed directly to the SD-Leitabschnitte; also that it emanated from Amt 3. Now I want to read part of this and see whether you wish to change your previous testimony in any way. "According to the Decree of the Reich Leader SS, Reich Commissioner for the Consolidation of German Nationhood, dated 16.2.42, Ref. Nr. II A 2 Nr. 420 VII/41-176 concerning 'Treatment of persons entered in Division 4 of the German Ethnical List' these persons are to be resettled in Old German territory. Evacuation and resettlement are to be effected by the Higher SS and Police Fuehrer on instructions issued later." Then skipping some paragraphs we come to the important part of the directive. "The State Police (Superior) Office will demand from the local branches of the German Ethnical List, the Security Service (Superior) Offices and the Criminal Police (Superior) Offices their dossiers dealing with members of Division 4. Decisive for the further treatment of members of Div. 4 will be the result of a racial test. As soon, therefore, as it willbe possible to examine a larger number of members of Div. 4, the competent examiner of the Head Office forRace and Settlement has to be informed, and place and time for the racial test have to be fixed. The leaders of the State Police (Superior) Offices and the leaders of the Security Service (Superior) Offices (or their Deputies) will take personal part in the examinations, in order to inspect personally the persons to be tested. The result of the test is to be added to the dossier. The persons not passing the racial test (Hereditarily inferior persons, etc.) will be excluded from the German Ethnical List on application to the competent branch. Their certificate of having been entered into the list will be taken away by the State Police (Superior) Office. After having been excluded from the list, they are to be treated as non-German subjects. In case they have been found unsocial, they have to be imprisoned in a Concentration Camp. The racial tests having been completed, the leaders of the State Police (Superior) Offices and the leaders of the Security Service (Superior) Offices,

resp. their permanent deputies (in the Security Service the III B officials will together examine the material available and will apply in case of necessity to the Reich Main Security for an Order for Custody and Concentration Camp Imprisonment. In cases presenting particular difficulties the dossiers are first to be submitted to the Reich Security Office, Dep. III-III B. The decision of the latter office then will be forwarded to the competent State Police (Superior) Office for further action". Are you familiar with that directive when you testify that to your knowledge that the SD did not have anything to do with people in the concentration camps?

A I didn't recall this directive. This directive does not prove the contrary.

LT. COMDR. HARRIS: The directive speaks for itself. I have no further questions.

THE WITNESS: May I add that I believe that the directive has been misunderstood.

MR. TAYLOR: Does the prosecution have any further cross examination?

COL. ORLOV: No.

MR. TAYLOR: Dr. Gawlik, do you have any special questions for the witness?

DR. GAWLIK: Yes.

MR. TAYLOR: May I ask counsel to make his re-direct examination very brief and bear in mind that we would like to eliminate any repetition of testimony of this witness in re-direct examination.

RE-DIRECT EXAMINATION

BY DR. GAWLIK:

Q I shall limit myself to question brought forth by the prosecution during the cross examination. You have stated during cross examination, witness, that you had to report mild developments. What do you understand by mild developments, and in the direction of committing a conspiracy, crimes against the peace, war crimes and crimes against humanity?

LT. COMDR. HARRIS: That question has been asked and answered many times by this witness and furthermore it is never but a conclusion of the worst sort. It is the very question that the Tribunal has to decide, and I

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object to it on those grounds in the interest of speeding up the examination.

MR. TAYLOR: I'm of the opinion that prosecution's objection is good - sustained. Doctor, may the Commission suggest to you that the record is very complete as to the direct examination of this witness, and I'm quite sure that counsel will agree with me that the witness has already fully explained and answered the question you just propounded to him. If Counsel has any questions that are re-direct, the Commission wants you to ask them and wants the witness to give that evidence. We have tolerated a very extensive examination of this witness, and a great portion of it appears to be a repetition and more or less irrelevant

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to the defense of the organization. So go ahead, counsel, if there are any questions that are new-- proceed and ask them.

DR. GAWLIK: May I add anoth · sentence. It is true that the cross examination discussed the problem of cross examination at length, but the witness has up to this point not defined mild development, and I have merely asked this one question.

MR. TAYLOR: Very well, proceed.

Q Regarding the document emanating from the subsidiary office in Koechem. In the year 1938, were the elections supervised in the interests of the Reich territory! Which territory are you competent to answer for?

A I can only judge that rega ·ing that Leitabschnitt where I was at the time.

Q Answer this question.

A Nothing has been observed in this Leitabschnitt. In my opinion that happens to be an extraordinary and peculiar situation in Koechem.

Q Did the office immediately superior to yours issue any directive to supervise elections?

A I do not know of any such directives.

Q I have a further question pertaining to the records regarding church experts. How much material has been collected by the SD regarding the religious sphere from the time of the issuance of the directive to 1941? For the territory with which you are acquainted.

A The largest part of this time I spent in Posen. There were no records worked on in Posen. We have limited ourselves completely to the living sphere "religious life."

MR. TAYLOR: Counsel, just a minute. He is not answering your question -- he is making a lot of conversation here. Let's read the question and have him answer it, please.

Q Please answer my question. The question is how much material on church questions was available.

The material which was submitted to you in the territory where you were present, was it suitable to initiate the measures against the Church by the Gestapo?

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Gestapo?

A As far as I can remember this time, no. Definitely not in Posen, because these things were not taken care of in Posen at all.

Q The speech by Himmler which has been submitted to you during the cross examination while the aims and tasks of the SD were in question: Does Himmler speak actually of the aims, tasks and activities of the SD? Those which were actually striven for by the members of the SD. Or, in other words, did the SD at any time deviate from the road wanted by Himmler?

A It cannot be disputed that Himmler, and also Heydrich, wanted a unified state protection corps, as well as a certain cohesion between the SD and the Gestapo. But the decisive thing is what Amt Three has actually done and what its tendencies were. One must say that the actual development and the searching for our task has taken an entirely different road. While the work against our enemies finally withered away, work within the living spheres became the sole task. The arguments for things were so difficult that I believe it was in the year 1941, the chief of Amt Three submitted his resignation because he was perfectly clear in his own mind that any intelligence task would be impossible if the SD would be thrown together with an executive office. That was shown in all those places where it was actually the case, that is to say, in the commitment areas. That is why a very sharp struggle took place against this tendency, and was finally crowned with success.

Q Thus, do the speeches of Himmler and Heydrich actually characterize the goals, duties, tasks and activities of the SD?

A To a great extent, that was the wish-fulfilment which they desired. One must always keep in mind that one attempted a camouflage toward the Party in the task of living spheres because living spheres intelligence was not desired by the Party. I believe that the directive issued by the Reichsminister of the Interior dated November 11, 1938 was influenced very much by these matters.

MR. TAYLOR: Any more questions? If not, the witness may be excused. A recess will be taken before the next witness is brought in.

(Recess)

The foregoing is a true and correct transcript of the testimony of ROLF-HEINZ HOEPPNER taken on 25 June 1946.

Bernice Winkler
Reporter

D. Noll
Reporter

(1776) CERTIFIED

GEORGE F. TAYLOR